IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL NO.248 OF 2006

Commissioner of Central Excise ..Appellant.

V/s.

M/s.Rajco Metal Industrie Pvt. Ltd. & Ors. ..Respondents.

Mr.K.R.Chaudhari with N.V.Masurkar i/b. H.P. Chaturvedi for appellant.

CORAM : F.I.REBELLO AND J.P.DEVADHAR, JJ.
DATED : 30TH AUGUST, 2007.

P.C. :-

The Tribunal by its order dated 28/11/2003 has remanded the matter to the adjudicating authority to pass a fresh speaking order. It is the contention of the appellant before this Court that the order of the Commissioner of Central Excise (Appeals) was not set aside while remanding the matter to the adjudicating authority. The revenue could have brought this to the attention of the Tribunal, but instead has chosen to prefer this appeal.

2. In our opinion, that was at the highest a typographical error and in the light of that we make it clear that while remanding the matter, the learned Tribunal has also set aside the order dated 28/11/2003 of the Commissioner of Central Excise (Appeals). With the above clarification, appeal stands disposed of.

(F.I.REBELL0, J.)

(J.P.DEVADHAR, J.)